

## REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claim 7 is amended. The revision to claim 7 is supported, for example, at page 5, lines 11-16 in the specification. Claims 1-12 are pending, with claim 7 being the sole independent claim.

### Claim rejections - 35 U.S.C. § 112

Claims 1-12 stand rejected as failing to comply with the written description requirement. Applicants respectfully traverse this rejection. However, Applicants have amended claim 7 in view of the Examiner's statements in the Office Action and the Examiner's comments in a telephonic interview that took place on January 22, 2004. Applicants respectfully request that this rejection be withdrawn.

### Claim rejections - 35 U.S.C. § 102/103

Claims 1, 3, 6, 7, 9, and 12 stand rejected being unpatentable under 35 U.S.C. § 102 or, alternatively, 35 U.S.C. § 103 over U.S. Patent No. 5,032,475 (Hasebe). Claims 2 and 8 stand rejected as being unpatentable over Hasebe in view of JP 05 121061 A (JP '061). Claims 3 and 9 stand rejected as being unpatentable over Hasebe in view of JP 07 099050 A (JP '050). Claims 4 and 10 stand rejected as being unpatentable over Hasebe in view of JP 52 097131 (JP '131). Claims 5 and 11 stand rejected as being unpatentable over Hasebe in view of U.S. Patent No. 4,137,379 (Schmidt). Applicants respectfully traverse these rejections.

Claim 7 recites a nickel metal-hydride battery for use in a hybrid electric vehicle. A total area of the separator ( $X; \text{cm}^2$ ) and an amount of the electrolyte ( $Y; \text{mg}$ ) in the case satisfy a relationship of  $Y/X \geq 41$ . The separator is bag-like in shape and at least one of the positive electrode and the negative electrode is inserted in the separator. By inserting at least one of the electrodes into a bag-like separator, the battery can hold a larger amount of electrolyte in the separator.

Hasebe does not disclose or suggest at least the above features of claim 7. Hasebe is directed to a small capacity battery. Hasebe does not disclose or suggest a battery where the area of the separator ( $X; \text{cm}^2$ ) and an amount of the electrolyte ( $Y; \text{mg}$ ) in the case satisfy a relationship of  $Y/X \geq 41$ . Nor does Hasebe teach or suggest a bag-like separator that is capable of holding such a large amount of electrolyte.

Thus, because Hasebe does not teach or suggest the at least these features of claim 7, Applicants respectfully submit that claim 7 is allowable over the cited reference.

Claim 1 has been amended to depend from claim 7. Thus, each of claims 1-6 and 8-12 depends from claim 7. None of the cited references remedies the deficiencies of Hasebe as identified above with respect to claim 7.

Accordingly, Applicants respectfully submit that claims 1-6 and 8-12 are also allowable over the cited references for at least the reason that they are dependent upon an allowable base claim. Applicants do not concede the correctness of these rejections.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested.

Respectfully submitted,

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